

Application No. 10/698,757
Amendment dated
After Final Office Action of October 4, 2005

Docket No.: 66022-0029

REMARKS

Applicants have carefully reviewed the Final Office Action mailed October 4, 2005, and thank Examiner Ahmad for the detailed review of the pending claims. In response to the Final Office Action, Applicants have amended claims 1-8 and 31-42. By way of this amendment, no new matter has been added. Accordingly, claims 1-8 and 31-42 remain pending in this application. Applicants respectfully request reconsideration of the present application in view of the above amendment and the following remarks.

Claim Rejections – 35 U.S.C. § 102

Claims 1-8 and 31-42 were rejected under 35 U.S.C. § 102(b) as being unpatentable over *Barrett* (U.S. Patent 4,543,765). Applicants respectfully traverse the rejection.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, as amended, positively recites “an edge band having a wood portion, a protective layer, a first adhesive, and a second adhesive . . .” However, *Barrett* does not teach, suggest or disclose an edge band as positively recited in amended claim 1. Instead, *Barrett* discloses a unitized floor panel that is formed from a plurality of unattached wooden tiles assembled in generally abutting fashion to completely cover a sub-floor. Thus, *Barrett* does not teach every limitation of independent claim 1, as required in *Verdegaal Bros.*

Similarly, independent claims 31 and 36, as amended, also expressly require “an edge band.” As discussed above, *Barrett* does not disclose an edge band. For this reason alone, claims 31 and 36 (and those claims that depend therefrom) are allowable over the prior art.

Moreover, claim 31 further requires a “roll of wood portion.” This limitation is also not shown in *Barrett*. Indeed, *Barrett* expressly teaches away from a roll of wood portion, and instead teaches “a plurality of unattached wooden tiles.” See *Abstract*; col. 4, lines 33-36. For

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this separate reason, *Barrett* does not anticipate claim 31 for any claims that depend from claim 31. Accordingly, Applicants request withdrawal of the rejection.

Claim Rejections – 35 U.S.C. § 112

Claims 1-8 and 31-42 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of which applicant regards as the invention. Applicants respectfully traverse the rejection. More specifically, Applicants have amended the claims to clarify the scope of the claims. Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66022-0029 from which the undersigned is authorized to draw.

Dated: 12/05/05
The fourth falling on a Sunday.

Respectfully submitted,

By 

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